

Overview

The first mental health court in New York City, the Brooklyn Mental Health Court seeks to craft meaningful responses to defendants with mental illness. Addressing both treatment needs and public safety concerns, the court links defendants who have serious and persistent mental illnesses (such as schizophrenia and bipolar disorder) or Neurodevelopmental disorders (such as Autism spectrum disorders, intellectual disabilities, and ADHD) who would ordinarily be jail- or prison-bound to long-term treatment in the community.

The Brooklyn Mental Health Court's goals are to hold participants with mental illness accountable for their actions by linking them to appropriate treatment and community-based support. The court has worked with over 1750 participants since 2002. Over 1,200 clients have satisfied program requirements and graduated. Active participants boast a 74 percent compliance rate and are 46 percent less likely to be re-arrested while in Brooklyn Mental Health Court than those in a comparison group.

Eligibility

Nonviolent felonies and felonies involving assault, robbery and burglary are consid-

ered eligible. More serious felony charges are considered on a case-by-case basis. When a victim is involved, the Brooklyn District Attorney's office requires victim approval before they refer a case to the court. Top charges for participants include assault, robbery, drug sale/possession, and burglary. Selected misdemeanor cases are also eligible.

The court was set up to serve people diagnosed with a serious and persistent mental illness such as schizophrenia, bipolar disorder, major depression, schizoaffective disorder, and post-traumatic stress disorder. In 2018 the court expanded to also include individuals diagnosed with Neurodevelopmental disorders such as intellectual disabilities, Autism spectrum disorders, or ADHD.

Program

Cases are referred by judges, defense attorneys, and the district attorney. Defense attorneys have referred 55 percent of the Brooklyn Mental Health Court’s participants, while prosecutors have accounted for 29 percent of referrals. Participation is voluntary—individuals can elect to have their case handled in a conventional courtroom—though the prosecutor has a right to deny participation to any candidate. A guilty plea is required to participate, but the judge may decide to vacate the plea upon successful completion of the program. Participants must adhere to treatment mandates, which may include mental health treatment, substance use treatment, intensive community-based case management, educational/vocational services, and supportive housing.

All participants appear in court once a week for the first three months. Treatment engagement is rewarded with praise from the judge, reduction in the frequency of court appearances, and certificates for completing quarterly phases. Nonadherence may result in sanctions, such as clinical responses (like a change in treatment or other services), admonitions from the judge, and more frequent court appearances.

Misdemeanants and first-time nonviolent felony offenders can have guilty pleas vacated and all charges dismissed. Predicate felons and first-time violent offenders can have felony guilty pleas vacated upon completion, while misdemeanor pleas will remain in place.

FOR MORE INFORMATION

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